

# Notice of Allowability

Application No.

09/701,195

Examiner

Roy M. Punnoose

Applicant(s)

AGGARWAL, LALIT K.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments received on Aug. 09, 2004.
2. ☒ The allowed claim(s) is/are 42-53.
3. ☒ The drawings filed on 27 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

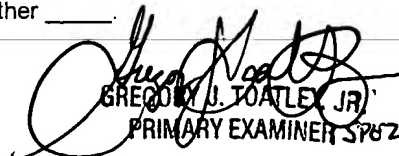
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/9/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
GREGORY J. TOATLEY, JR.  
PRIMARY EXAMINER, SP82877

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt of applicant's amendments received on August 09, 2004 in response to the office action mailed on July 28, 2004 is acknowledged and have been entered into the records.

Claims 54-80 have been cancelled. The applicant has previously canceled claims 1-42.

### ***Allowable Subject Matter***

2. Claims 42-53 are allowable.

3. Claim 42 is allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a system for generating, maintaining and retrieving characterizing information about gemstones comprising an electronic camera to generate electronic signals corresponding to at least two different physical characteristics of the gemstone, in combination with the rest of the limitations of said claim.

4. Claims 43-53 are allowable because they are dependent on independent claim 42 or an intermediate claim.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Information Disclosure Statement***

6. The information disclosure statement filed August 09, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to

be listed. It has been placed in the application file, but the information listed under "Foreign Patent Documents" and "Other Documents" of the submitted PTO-1449 has not been considered because they were missing and were not available to the Examiner for consideration.

7. In the remarks section of the letter received on August 09, 2004 the applicant states that

"This application properly claims the benefit of the filing date of the earlier filed patent application identified in the previously submitted Information Disclosure Statement and an information disclosure statement complying with 37 CFR 1.98(a)-(c) was submitted in the earlier filed application. Therefore, the Applicant was not required to submit copies of the documents listed on the P1-0-1449 pursuant to 37 CFR 1.98(d)."

In the Declaration and the Specification of the instant application, the applicant has claimed priority only to the Provisional U.S. application 60/068,033 and has not claimed the benefit of the filing date with any other application. Therefore it is not clear what earlier filed patent application (and related I.D.S) the applicant is referring to.

With regard to applicant's submission of copies of foreign patents on August 09, 2004, the Examiner, with regret, wish to inform the applicant that the above documents either did not arrive at the Patent Office, or it went missing after arrival at the Office. All incoming documents are scanned into an image database, and Examiners have access only to the images. On behalf of the Patent Office, the Examiner wish to convey our sincere apologies to the applicant for any inconvenience or loss this may have caused, if the documents went missing after it reached the Office. If the applicant sent the documents by FAX, it is possible that the transmission did not go through (for any number of reasons) and did not print at the Office.

The Examiner will make every effort to locate the missing documents, but for the sake of expediency, if the applicant would like to forward a new set of copies of said documents, the application process can be completed without further delay.

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Again, on behalf of the Patent Office, the Examiner wish to convey our sincere apologies to the applicant for any inconvenience or loss this may have caused, if the documents went missing after it reached the Office.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**.

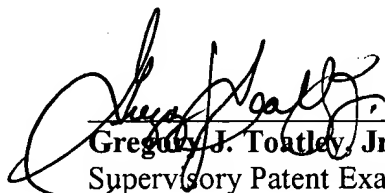
The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2800 ext.77**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Roy M. Punnoose**  
Patent Examiner  
Art Unit 2877  
September 16, 2004



  
**Gregory J. Toatley, Jr.**  
Supervisory Patent Examiner **102877**